

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1569-PWS-E **TCEQ ID:** RN101234573 **CASE NO.:** 34695  
**RESPONDENT NAME:** City of Buckholts

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** City of Buckholts Public Water Supply, Farm-to-Market Road 1915 near Avenue H, Buckholts, Milam County

**TYPE OF OPERATION:** Public water supply

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 26, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  
**TCEQ Enforcement Coordinator:** Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** The Honorable Angela Morgan, Mayor, City of Buckholts, P.O. Box 150, Cameron, Texas 76520-0150  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 2-8, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 31, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a follow-up investigation to a file review that was conducted on October 6, 2006. The purpose of the follow-up investigation was to determine if the Respondent was maintaining minimum water pressure standards.</p> <p><b>WATER</b></p> <p>1) Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 milligrams per liter ("mg/L") free chlorine or 0.5 mg/L chloramine. Specifically, field tests conducted on August 2, 2007 indicated that the chloramine residual was 0.05 mg/L [30 TEX. ADMIN. CODE § 290.110(b)(4)].</p> <p>2) Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, a field pressure recorder recorded a reading below 20 psi on August 4, 2007 and readings of approximately 30 psi from August 5 through August 8, 2007 [30 TEX. ADMIN. CODE § 290.46(r)].</p> <p>3) Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)].</p>	<p><b>Total Assessed:</b> \$1,114</p> <p><b>Total Deferred:</b> \$222  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$892</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted documentation showing that the system had a disinfection residual of 0.76 mg/L for chloramine on August 3, 2007 and a field test conducted on August 8, 2007, recorded a disinfection residual of 0.61 mg/L for chloramine.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, begin maintaining a minimum pressure of 35 psi throughout the distribution system under normal operating conditions;</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;</p> <p>c. Within 180 days after the effective date of this Agreed Order, install disinfection equipment so that continuous and effective disinfection is secured under all conditions; and</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.</p>

**Attachment A**  
**Docket Number: 2007-1569-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Buckholts</b>
<b>Payable Penalty Amount:</b>	<b>Eight Hundred Ninety-Two Dollars (\$892)</b>
<b>SEP Amount:</b>	<b>Eight Hundred Ninety-Two Dollars (\$892)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")-Abandoned Tire Clean-Up</b>
<b>Location of SEP:</b>	<b>Milam County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Aug-2007	<b>Screening</b>	25-Sep-2007	<b>EPA Due</b>	
	<b>PCW</b>	26-Sep-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Buckholts		
<b>Reg. Ent. Ref. No.</b>	RN101234573		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	34695	<b>No. of Violations</b>	3
<b>Docket No.</b>	2007-1569-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Stephen Thompson
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$700**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **2%** Enhancement **Subtotals 2, 3, & 7** **\$14**

Notes

The penalty enhancement is due to one Notice of Violation ("NOV") for a violation dissimilar to those in the current enforcement action.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6

\$0

Total EB Amounts

\$751

Approx. Cost of Compliance

\$5,400

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal

\$714

## OTHER FACTORS AS JUSTICE MAY REQUIRE

39%

Adjustment

\$400

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount

\$1,114

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$1,114

## DEFERRAL

20%

Reduction

Adjustment

-\$222

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$892

**Screening Date** 25-Sep-2007**Docket No.** 2007-1569-PWS-E**PCW****Respondent** City of Buckholts

Policy Revision 2 (September 2002)

**Case ID No.** 34695

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN101234573**Media [Statute]** Public Water Supply**Enf. Coordinator** Stephen Thompson**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 2%>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%>> **Compliance History Summary****Compliance History Notes**

The penalty enhancement is due to one Notice of Violation ("NOV") for a violation dissimilar to those in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 2%

<b>Screening Date</b> 25-Sep-2007 <b>Respondent</b> City of Buckholts <b>Case ID No.</b> 34695 <b>Reg. Ent. Reference No.</b> RN101234573 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Stephen Thompson <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2007-1569-PWS-E <div style="text-align: right;"> <b>PCW</b>  <small>Policy Revision 2 (September 2002)  PCW Revision June 26, 2007</small> </div>																			
<b>Rule Cite(s)</b> <input style="width: 100%;" type="text" value="30 Tex. Admin. Code § 290.110(b)(4)"/>																				
<b>Violation Description</b> <input 0.05="" 0.5="" 2,="" 2007="" august="" chloramine="" chloramine.="" chlorine="" conducted="" field="" free="" indicated="" l="" l")="" l."="" mg="" on="" or="" residual="" specifically,="" style="width: 100%;" tests="" that="" the="" type="text" value="Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 milligrams per liter (" was=""/>																				
<b>Base Penalty</b> <input style="width: 100%;" type="text" value="\$1,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
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Matrix Notes	<input style="width: 100%;" type="text" value="Without proper disinfection of the water supply, the water supply customers could be exposed to significant amounts of contaminants that would not exceed levels protective of human health."/>																			
<b>Adjustment</b> <input style="width: 100%;" type="text" value="\$900"/>																				
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<small>mark only one with an x</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;">daily</td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;">X</td> </tr> </table>	daily	<input style="width: 50px;" type="text"/>	monthly	<input style="width: 50px;" type="text"/>	quarterly	<input style="width: 50px;" type="text"/>	semiannual	<input style="width: 50px;" type="text"/>	annual	<input style="width: 50px;" type="text"/>	single event	X							
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<b>Violation Base Penalty</b> <input style="width: 100%;" type="text" value="\$100"/>																				
<input style="width: 100%;" type="text" value="One single event is recommended."/>																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> <input style="width: 100%;" type="text" value="\$200"/>	<b>Violation Final Penalty Total</b> <input style="width: 100%;" type="text" value="\$159"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100%;" type="text" value="\$159"/>																				

**Economic Benefit Worksheet**

Respondent City of Buckholts  
Case ID No. 34695  
Reg. Ent. Reference No. RN101234573  
Media Public Water Supply  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	2-Aug-2007	3-Aug-2007	0.0	\$0	\$200	\$200

Notes for AVOIDED costs

The avoided costs include the amount of additional oversight and maintenance that could have prevented the low chlorine residuals from occurring, calculated for the date that the chlorine residual was below the 0.2 mg/L minimum.

Approx. Cost of Compliance

\$200

TOTAL

\$200

**Screening Date** 25-Sep-2007**Docket No.** 2007-1569-PWS-E**PCW****Respondent** City of Buckholts

Policy Revision 2 (September 2002)

**Case ID No.** 34695

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN101234573**Media [Statute]** Public Water Supply**Enf. Coordinator** Stephen Thompson**Violation Number** 2**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(r)**Violation Description**

Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, a field pressure recorder recorded a reading below 20 psi on August 4, 2007 and readings of approximately 30 psi from August 5 through August 8, 2007.

**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

**Percent** 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

**Percent** 0%**Matrix Notes**

Failure to maintain adequate pressure could lead to contamination of the water system, exposing water supply customers to significant amounts of pollutants that would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events****Number of Violation Events** 252 **Number of violation days**

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$500

Two monthly events are recommended from the date of the first violation on August 4, 2007 to the screening date, September 25, 2007.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$200**Violation Final Penalty Total** \$796**This violation Final Assessed Penalty (adjusted for limits)** \$796

**Economic Benefit Worksheet**

Respondent City of Buckholts  
Case ID No. 34695  
Reg. Ent. Reference No. RN101234573  
Media Public Water Supply  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	4-Aug-2007	8-Aug-2007	0.0	\$0	\$200	\$200

Notes for AVOIDED costs

The avoided costs include the amount of additional oversight and maintenance that could have prevented the low pressure from occurring, calculated for the dates that the pressure was below the 35 psi minimum.

Approx. Cost of Compliance

\$200

TOTAL

\$200

<b>Screening Date</b> 25-Sep-2007 <b>Respondent</b> City of Buckholts <b>Case ID No.</b> 34695 <b>Reg. Ent. Reference No.</b> RN101234573 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Stephen Thompson <b>Violation Number</b> <input type="text" value="3"/> <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.42(e)(3)"/>  <b>Violation Description</b> <input type="text" value="Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions."/>	<b>Docket No.</b> 2007-1569-PWS-E <div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision June 26, 2007</div>																			
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">X</td> <td><input type="text"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	Potential	<input type="text"/>	X	<input type="text"/>
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<b>&gt;&gt; Programmatic Matrix</b>																				
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	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
Matrix Notes	<input type="text" value="Failure to provide adequate equipment to disinfect the water could allow the customers to be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health."/>																			
<b>Adjustment</b> <input type="text" value="\$900"/>																				
<input type="text" value="\$100"/>																				
<b>Violation Events</b>																				
Number of Violation Events <input type="text" value="1"/> <input type="text" value="55"/> Number of violation days																				
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">X</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	X	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>							
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semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
<b>Violation Base Penalty</b> <input type="text" value="\$100"/>																				
<input type="text" value="One quarterly event is recommended from the investigation on August 2, 2007 to the September 25, 2007 date of case screening."/>																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b>	<input type="text" value="\$351"/>																			
<b>Violation Final Penalty Total</b>	<input type="text" value="\$159"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$159"/>																				



**Economic Benefit Worksheet**

Respondent City of Buckholts  
Case ID No. 34695  
Reg. Ent. Reference No. RN101234573  
Media Public Water Supply  
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment	\$5,000	2-Aug-2007	2-Aug-2008	1.0	\$17	\$334	\$351
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to purchase, install and operate the disinfection supplies and equipment. The date required is the date of the investigation and the final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$351



# Compliance History

Customer/Respondent/Owner-Operator:	CN600673412	City of Buckholts	Classification:	Rating:
Regulated Entity:	RN101234573	CITY OF BUCKHOLTS	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1660007
	WATER LICENSING		LICENSE	1660007
Location:	ON FM 1915, NEAREST CROSS-STREET = AVE H BUCKHOLTS, TX, MILAM COUNTY			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	December 13, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 13, 2002 to December 13, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Stephen Thompson Phone: 512-239-2558

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
    - 1 09/29/2005 (374228)
    - 2 08/22/2007 (570862)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date: 07/29/2005 (374228)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas
- N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BUCKHOLTS  
RN101234573**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1569-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Buckholts ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City, appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply on Farm-to-Market Road 1915 near Avenue H, in Buckholts, Milam County, Texas (the "Facility") that has approximately 188 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand One Hundred Fourteen Dollars (\$1,114) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Hundred Twenty-Two Dollars (\$222) of the administrative penalty is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this



Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Eight Hundred Ninety-Two Dollars (\$892) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the City submitted documentation showing that the system had a disinfection residual of 0.76 milligrams per liter ("mg/L") for chloramine on August 3, 2007 and a field test conducted on August 8, 2007, recorded a disinfection residual of 0.61 mg/L for chloramine.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L chloramine in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4), as documented during an investigation conducted on August 2, 2007.
2. Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions, in violation of 30 TEX. ADMIN. CODE § 290.46(r), as documented during an investigation conducted on August 2, 2007. Specifically, a field pressure recorder recorded a reading below 20 psi on August 4, 2007 and readings of approximately 30 psi from August 5 through August 8, 2007.
3. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3), as documented during an investigation conducted on August 2, 2007.



### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Buckholts, Docket No. 2007-1569-PWS-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 5 above, Eight Hundred Ninety-Two Dollars (\$892) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, begin maintaining a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, as required by 30 TEX. ADMIN. CODE § 290.46;
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;
  - c. Within 180 days after the effective date of this Agreed Order, install disinfection equipment so that continuous and effective disinfection is secured under all conditions, as required by 30 TEX. ADMIN. CODE § 290.42; and
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:





"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

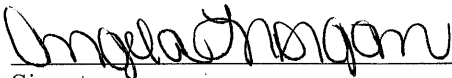
5/11/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3-11-08  
\_\_\_\_\_  
Date

Angela Morgan  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Buckholts

Mayor  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2007-1569-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Buckholts</b>
<b>Payable Penalty Amount:</b>	<b>Eight Hundred Ninety-Two Dollars (\$892)</b>
<b>SEP Amount:</b>	<b>Eight Hundred Ninety-Two Dollars (\$892)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")-Abandoned Tire Clean-Up</b>
<b>Location of SEP:</b>	<b>Milam County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.





**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

